

STATE OF CALIFORNIA

DEPARTMENT OF FOOD AND AGRICULTURE



1220 N Street, Room 409
Sacramento, California 95814
(916) 654-0321

November 9, 1999

Mr. Steve Ritchie
CALFED Bay-Delta Program
1416 Ninth Street, Room 1155
Sacramento, California 95814

Re: Agricultural Mitigation Measures

Dear Mr. Ritchie:

Let me congratulate you on your appointment as acting Executive Director of CALFED.

This letter is in response to a letter from Lester Snow dated October 18, 1999 regarding the CDFA comments on the most recent draft PEIS/R. As was noted, the CDFA has consistently raised the issues of impacts to agricultural resources throughout the CALFED process. The purpose of this response is to clarify to you the position CDFA has consistently taken on this issue as it pertains to CALFED.

The issue of mitigation for CALFED program and project impacts on elements of the existing environment is not the primary issue. The primary issue is the consistent failure of CALFED to consider impacts early in the process and consider alternatives to avoid and reduce impacts, as CEQA requires. Since CALFED has chosen to not consider meaningful alternatives, the only course available to CALFED is to mitigate impacts to agricultural resources to insignificance.

Also, I want to point out that the issue is not a statewide policy for mitigation of impacts to agricultural resources. This was not the subject of our meeting with Secretary Nichols. The issue is limited to CALFED and CALFED member agency program impacts on elements of the existing environment. You may be aware that there are very significant differences between the CALFED program and locally-based land-use planning process in California. If CALFED had been operating within the framework of local zoning and local land-use planning with full CEQA compliance prior to taking actions with a potential to impact the existing environment, I doubt that we would be looking at massive unmitigated impacts on the existing environment.

Staff reported that at the November 1 meeting with Secretary Nichols, you stated that you believe CALFED is in full compliance with the policy stated in the Phase II Report and that change in ownership when the government acquires land does not trigger CEQA. I must take issue with both of those assertions. CALFED and CALFED agency actions that entail land acquisition under the Ecosystem Restoration Coordination Program prove otherwise. Land is being acquired strictly on an opportunity basis diverting funds from restoration actions that could provide more immediate benefits to fisheries and thus water supply reliability. With regards to

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government land acquisitions triggering CEQA, Section 15004(b)(1) of the CEQA Guidelines states, "CEQA compliance should be completed prior to acquisition of a site for a public project."

We both must push for a resolution of this issue under the leadership of the Resources Agency in order to meet your time constraints in responding to comments on the PEIS/R. I too would like to see this issue resolved before the end of November.

Sincerely,



A. J. Yates
Deputy Secretary